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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,424	03/17/2000	Rolf Kohler	10191/1333	4178

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EXAMINER	
MCLEAN MAYO, KIMBERLY N	
ART UNIT	PAPER NUMBER
2187	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/527,424	KOHLER ET AL.	
	Examiner	Art Unit	
	Kimberly N. McLean-Mayo	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on March 22, 2004, PROSECUTION IS HEREBY REOPENED. A detailed action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. Claims 1- 11, 29-30, 33 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
It is not clear from the specification, drawings and the claims how to perform the step "providing an identifier into an area of the memory arrangement that is to be programmed".
Providing means to supply or make available. How do you supply or make available an identifier into an area of memory?

Perhaps by writing the identifier into the memory area and if so, regarding claim 4, it is not clear what "further area" Applicant is referring to. Claim 4 requires entering the identifier into a further area of the memory arrangement, wherein the further area is programmed after the area is programmed. The area is where the identifier is provided according to claim 1. Where is the area and the further area? The claim limitations seem to suggest that the identifier is programmed and located in two areas of the memory; however, this is not supported by the specification and drawings.

Clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-12, 14- 24, 26-27 and 29-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al (USPN: 6,311,322).

Regarding claim 1, Ikeda discloses providing [by allocating a section of the memory to store the identifier] an identifier [flag] into an area (area shown in Figure 2) of the memory arrangement that is to be programmed [Figure 2; C 7, L 12-14], the identifier identifying a correct programming of the memory arrangement (C 7, L 21-30, C 8, L 7-14, L 19-26); and altering the

identifier in the memory arrangement before programming the information (Figure 3, Steps 3 and 4; C 8, L 5-6, L 17-18).

Regarding claims 3, 7 and 26, Ikeda discloses altering the identifier by at least one of erasing and programming (C 8, L 5-6, 17-18; the identifier is written over with zero).

Regarding claims 4-5, Ikeda discloses entering the identifier into a further area of the memory arrangement [Figure 2, Reference P3], the further area being programmed only after programming of the area (C 7, L 21-30; C 8, L 51-52; C 9, L 1-3; refer to Figure 3, steps 5-8 and 10-12)

Regarding claim 6, the flag area is stored in the programmed area of the flash memory and thus is a component of the information programmed in the memory arrangement.

Regarding claim 8, Ikeda discloses the identifier is a section of a program identifier [flag section in Figure 2, Reference P3], which identifies the respective information (C 7, L 21-30).

Regarding claim 9-10, Ikeda discloses checking the identifier after at least one of (a) an interruption in programming and (b) programming the memory arrangement (C 9, L 24-40); and strong the interruption with a flag in the memory management (when an interruption occurs, the programming does not complete correctly and thus the identifier/flag is set to indicate such).

Regarding claim 11, Ikeda discloses checking at least one of the identifier and the flag before programming and analyzing one of the identifier and the flag before programming (C 9, L 4-41).

Regarding claims 12 and 18, Ikeda disclose selecting an identifier from the information entered into an area of the memory to be programmed [C 7, L 12-30; in Ikeda's system, the system is programmed to operate the memory with the allocations shown in Figure 2, the system has therefore allocated section P3, which has a predetermined block/word length, as the section for the identifier and when the identifier is accessed the information entered therein is selected, wherein each flag of the identifier is programmed having a predetermined byte/bit length.], the identifier identifying a correct programming of the memory arrangement (C 7, L 21-30, C 8, L 7-14, L 19-26).

Claim 14 is rejected for the same rationale applied to claim 4 above respectively.
Claim 15 is rejected for the same rationale applied to claim 5 above respectively.

Regarding claim 16, Ikeda discloses altering the selected identifier in the memory management before programming the information (Figure 3, Steps 3 and 4; C 8, L 5-6, L 17-18).

Claims 17 is rejected for the same rational applied to claim 3 above.
Claims 19-23 are rejected for the same rationale applied to claims 7-11 above respectively.

Regarding claims 29 and 31, Ikeda discloses the information including data (Figure 2, Reference P1 and P3; C 7, L 15-16, L 21-30)

Regarding claims 30 and 32, Ikeda discloses the information including programs (Figure 2, Reference P2, P4-P6).

Regarding claims 33 and 34, Ikeda discloses providing [by allocating a section of the memory to store the identifier] an identifier [flag] into an area (area shown in Figure 2) of the memory arrangement that is to be erased [memory is erased by overwriting the data in the memory area] [Figure 2; C 7, L 12-14], the identifier identifying a correct erasing of the memory arrangement (C 7, L 21-30, C 8, L 7-14, L 19-26); and altering the identifier in the memory arrangement before programming the information (Figure 3, Steps 3 and 4; C 8, L 5-6, L 17-18).

Regarding claims 35 and 37, Ikeda discloses providing [by allocating a section of the memory to store the identifier] an identifier [flag] into an area (area shown in Figure 2) of the memory arrangement that is to be reprogrammed [erased and programmed] [Figure 2; C 7, L 12-14], the identifier identifying a correct reprogramming [erasing and programming] of the memory arrangement (C 7, L 21-30, C 8, L 7-14, L 19-26); and altering the identifier in the memory arrangement before programming the information (Figure 3, Steps 3 and 4; C 8, L 5-6, L 17-18).

Regarding claims 36 and 38, Ikeda discloses selecting an identifier from the information entered into an area of the memory to be reprogrammed [erasing and programming] [C 7, L 12-30; in

Ikeda's system, the system is programmed to operate the memory with the allocations shown in Figure 2, the system has therefore allocated section P3 as the section for the identifier and when the identifier is accessed the information entered therein is selected], the identifier identifying a correct programming of the memory arrangement (C 7, L 21-30, C 8, L 7-14, L 19-26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2, 13, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (USPN: 6,311,322) in view of Kastura et al. (USPN: 4,271,402).

Ikeda discloses the limitations cited above in claims 1, 12, 24 and 27, however, Ikeda does not disclose a computer control unit in a motor vehicle having the memory arrangement as defined in claims 1, 12, 24 and 27. However, Katsura discloses the use of a nonvolatile memory in a motor vehicle control unit (Abstract). Ikeda discloses that nonvolatile memories, such as EEPROM memories, are sometimes subjected to failures due to power failures etc. (C 2, L 1-9). The features taught by Ikeda provide memory protection to prevent unintentional erasures or programming of data. Hence, it would have been obvious to one of ordinary skill in the art to use the memory arrangement having the above features in a computer control unit in a motor vehicle for the desirable purpose of providing data protection, accuracy and reliability.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carrel et al – USPN: 5,778,167 – status identifier

Kamuda – USPN : 5,523,915 – status identifier

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly N. McLean-Mayo whose telephone number is 703-308-9592. The examiner can normally be reached on Tues, Thr, Fri (10:00 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 703-308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly N. McLean-Mayo
Examiner
Art Unit 2187

KIMBERLY MCLEAN-MAYO
PRIMARY EXAMINER

KNM

April 28, 2005.